

EXHIBIT 5

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Via Email

September 8, 2011

Sean P. Carter, Esq.
Cozen O'Connor
1900 Market Street
Philadelphia, PA 19103

Re: In re Terrorist Attacks of September 11, 2001, 03-md-1570 (S.D.N.Y.)

Dear Sean:

I hope you are well.

I am writing in response to Plaintiffs' search term proposal of July 15, 2011. As you know, Dubai Islamic Bank's (DIB) Responses and Objections to Plaintiffs' First Set of Document Requests (DIB's Responses) contained search term methodologies to identify responsive records to certain requests.

During our meet and confer sessions, Plaintiffs asked for the opportunity to supplement the list of search terms set forth in DIB's Responses, including providing alternative spellings of names, aliases, and Arabic spellings of names of individuals that DIB agreed to search. As set forth in my letter to you of July 7, 2011, "DIB agreed to do so provided that the additional list of terms was not subject to a valid objection, such as unduly burdensomeness or irrelevance."

On July 15, 2011, we received from your colleague Scott Tarbutton two documents with lengthy lists of names that you requested that DIB use to search its electronic account recording keeping system: (i) a United Nations list entitled "The Consolidated List established and maintained by the 1267 Committee with respect to Al-Qaida, Usama bin Laden, and the Taliban and other individuals, groups, undertakings and entities associated with them," and (ii) a list entitled "Other Individuals and Entities Associated With Osama Bin Laden And The Al Qaeda Terrorist Organization" (collectively, "Plaintiffs' Lists").

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The two lists you have provided contain over 2,900 names. A search for all of the search terms on Plaintiffs' Lists is neither reasonable nor required. To search for every member of the Taliban or every person ever affiliated with al Qaeda—no matter the timeframe or relationship to the September 11 attacks—is simply a fishing expedition at DIB's great expense.

First, searching the more than 2,900 names on Plaintiffs' Lists is unduly burdensome. Converting these lists into database search queries is time consuming and thus expensive. Moreover, the cost does not end there. As we noted in DIB's Responses and further clarified in my letter of July 7, 2011, each account that is identified as a result of each search may not in fact be related to the claims and defenses in this case. This will be the case if an unrelated individual shares the exact same name as an individual included in Plaintiffs' Lists. Accordingly, DIB must sort through the results of the search for each term and determine whether the person is in fact relevant to this case. (As we agreed previously, DIB will disclose to Plaintiffs each instance that DIB has excluded information from our production despite a positive search term match.) To conduct this process for individuals that Plaintiffs have no reason to believe are connected to DIB in any way and are not connected to the attacks of September 11 is unduly burdensome.

Second, as highlighted by the excessive number of terms on Plaintiffs' Lists, the lists are patently overbroad and beyond the scope of discoverable information as set forth in Rule 26. Most of the individuals and entities listed have no alleged ties to the September 11 attacks. Rather, Plaintiffs' Lists appears to be comprised of every known or suspected member of al Qaeda, regardless of whether they were involved with the September 11 attacks or even affiliated with al Qaeda at the time of the attacks. For example, Plaintiffs' Lists include the names of a number of individuals who were either deceased or in U.S. custody years before the September 11 attacks or were children at the time of the attacks. Moreover, the lists include almost 400 search terms for individuals with alleged links to the Taliban with no apparent connection to al Qaeda or the September 11 attacks.

Instead, in addition to the search terms set forth in DIB's Responses, we will agree to search for the 194 names that we have included on Attachment A to this letter. These represent the full name search terms (including alternative spellings) for the individuals on Plaintiffs' Lists that we have been able to identify as having been mentioned in the 9/11 Commission's Report as having a connection with the terrorist attacks of September 11, 2001.

We will conduct the search for these additional 194 search terms in the same fashion as we have agreed to search the other terms in DIB's Responses: we will search for exact matches on the search term in the full name account holder field in DIB's electronic account record keeping

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system and will produce for each match any non-privileged account opening and closing documents, Know-Your-Customer or other customer due diligence reports, suspicious activity or transaction reports, account numbers, monthly account statements, annual account statements, account notices, real estate records, records of assets, loan records, audit work papers, audit reports, and wire transfers, if any exist, from January 1, 1992 to September 11, 2001. The agreement is subject to the same provisos that we have previously discussed and that were included in DIB's responses: we will not produce such information if a search term yields a voluminous number of documents for multiple persons or entities with the same name as a search term (in which case DIB will meet and confer with Plaintiffs) or if the documents pertain solely to a person or entity that is not affiliated with al Qaeda.

We are happy to discuss the issue further with you at your convenience. In addition, if we have omitted any individual on Plaintiffs' Lists that was identified by the 9/11 Commission as being connected with the terrorist attacks of September 11, 2001, please let us know and we will include the search terms related to that individual in our search.

Sincerely,

A handwritten signature in black ink that reads "Steven T. Cottreau". Below the signature, there is a handwritten date "1/26/08".

Steven T. Cottreau

Attachment A

أسامي محمد عوض بن لادن

Usama Muhammed Awad Bin Laden
Usama Bin Laden
Usama Bin Muhammed Bin Awad, Osama Bin Laden
Ben Laden Osama
Ben Laden Ossama
Ben Laden Usama
Bin Laden Osama Mohamed Awdh
Bin Laden Usamah Bin Muhammad
Shaykh Usama Bin Ladin
Usamah Bin Muhammad Bin Ladin
Usama bin Ladin
Osama bin Ladin
Osama bin Muhammad bin Awad bin Ladin
Usama bin Muhammad bin Awad bin Ladin
Abu Abdallah Abd Al-Hakim
Al Qaqa

خالد شيخ محمد

Khalid Sheikh Mohammed
Khalid Shaikh Mohammed
Salem Ali
Fahd Bin Adballah bin Khalid
Ashraf Refaat Nabith Henin
Khalid Adbul Wadood
Mukhtar al Baluchi
al Mukh
Abdulrahman Abdullah al Ghamdi
Salem Ali
Abdul Majid
Abdullah al Fak'asi al Ghamdior
Meer Akram

أبو حفص المصري

Abu Hafs al Masri
Sheikh Taysir Abdullah
Abu Hafs
Abu Sitta
Abu Hafs al Kabir
Abu Khadijah
Abu Fatima
Mohammed Atef

محمد محمد الأمير عوض السيد عطا

Mohamed Atta
Mohamed Mohamed el Amir Awad el Sayed Atta
Muhammad Muhammad al Amir Awad as Sayyid Atta
Mohamed el Amir Awad el Sayed Atta
Mehan Atta
Mohammad el Amir
Muhammad Atta
Mohamed el Sayed
Mohamed Elsayed
Muhammad al Amir
Awag al Sayyid Atta
Muhammad al Amir
Awad al Sayad
Mohamed el Amir

مصطفى الهاساوي

Mustafa Ahmed al Hawsawi
Mustafa Ahmed al Hisawi
Shaykh Said
Mustafa Muhammed Ahmed
Mustafa Ahmed
Hashim Abd al Rahman
Hashem Abdulrahman
Hashem Abderahman
Hashim Abdourahman
Hashem Abdollahi
Muhammad Adnan
Muhammad Ahanad
Abderahman Mustafa

عمار البلوشية

Ali Abdul Aziz Ali
Ammar al Baluchi
Isam Mansur
Isam Mansar
Isam Mansour
Hani (Fawaz TRDNG))

رمزي بن الشيبة

Ramzi Bin Al Shibh
Ramzi Mohamed Abdullah Binalsheidah
Ramzi Mohammed Abdullah Binalshibh
Ramzi Mohammed Abdellah Omar
Abu Ubaydah
Umar Muhammad Abdallah Ba Amar

مروان يوسف محمد رشيد لكراب الشحي

Marwan al Shehhi

Marwan Yousef Mohamed Rashid Lekrab al Shehhi
Marwan Yusuf Muhammad Rashid Lekrab ash Shehhi
نوف الحازمي

Nawaf al Hamzi
Nawaf Muhammed Salim al Hazmi
Nawaf al Hazmi
سعید باهاجی

Said Bahaji
Zouheir Al Maghribi
Mohamed Abbattay
Abderrahmane Al Maghribi
زياد سمير جراح

Ziad Jarrah
Ziad Samir Jarrah
Ziyad Samir Garrah
Ziad Jarrah Jarrat
Ziad Jarrahi
Ziad Samir al Jarrah
Ziyad Samir Jarrah
هانی صالح حسن حنجر

Hani Hanjour
Hani Saleh Hasan Hanjour
Hani Salih Hasan Hanjur
خالد المحضار

Khalid al Mihdhar
Khalid Muhammad Abdallah al Mihdhar
Sannan al Makki
Khalid bin Muhammad
Addallah al Mihdhar
Khalid Mohammad al Saqaf
ذكریا الصبار

Zakarya Essabar
Zakariya Essabar
أنور ناصر عبدالله العولقي

Anwar Nasser Abdulla Al-Aulaqi
Anwar al-Aulaqi
Anwar al-Awlaki
Anwar al-Awlaki
Anwar Nasser Aulaqi

Anwar Nasser Abdullah Aulaqi
Anwar Nasser Abdulla Aulaqi

سعید الغامدی

Saeed al Ghamdi
Saeed Abdallah Ali Sulayman al Ghamdi
Sa‘id al Ghamdi

احمد صلاة سعید الغامدی

Ahmed al Ghamdi
Ahmed Salah Said al Ghamdi
Ahmad Salat Sa‘id al Ghamdi

حمزة الغامدی

Hamza al Ghamdi
Hamza Alghamdi

مهند الشهري

Mohand al Shehri
Mohand Muhammed Fayiz al Shehri
Muhand ash Shehr
Mohammed al Shehhi
Mohald al Shehri

ماجد مشعان موقد

Majed Moqed
Majed Mashaan Ghanem Moqed
Majid Moqid Mushan bin Ghanim
Majad Masha an Muqad

سلطان السقامي

Satam al Suqami
Satam Muhammed Abdel Rahman al Suqami
Satam as Suqami

أحمد بن عبد الله النامي

Ahmed al Nami
Ahmed bin Abdullah al Nami
Ahmad bin Abdullah al Nami

عبد العزيز العمري

Abdulaziz al Omari
Abd al Aziz al Umari

سالم الحازمي

Salem al Hamzi
Salem al Hazmi
Salam al Hazmi

وائل الشهري

Wail al Shehri
Wail Mohammed al Shehri
Wail ash Shehri

وليد الشهري

Waleed al Shehri

Waleed Mohammed al Shehri

Walid ash Shehri

فایز راشد احمد حسن القاضی بنی حمد

Fayez Banihammad

Fayez Rashid Ahmed Hassan al Qadi Banihammad

Fayaz Rashid Ahmad Hassan al Qadi Bani Hammad

Fayez Ahmad

Banihammad Fayez Abu Dhabi Banihammad

Fayez Rashid Ahmed

Rasid Ahmed Hassen Alqadi

Abu Dhabi Banihammad Ahmed Fayez

احمد ابراهيم الحزناوي

Ahmad al Haznawi

Ahmed Ibrahim al Haznawi

Ahmad Ibrahim al Haznawi

ولید محمد صالح بن رشید بن عطاش

Walid Bin Attash

Walid Muhammad Salih bin Attash

Walid Muhammad Salih bin Roshayed bin Attash

Khallad bin Attash

Saleh Saeed Mohammed bin Yousaf

Tawfiq Muhammad Salih bin Rashid

منير المتصدق

Mounir el Motassadeq

Mounir el Moutassadeq